IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE MR. JUSTICE A. GOPAL REDDY

WRIT PETITION NO. 21649 OF 1995

DATED: 18-03-2006

BETWEEN:

P. Appa Rao Naidu

.....Petitioner

AND

The Special Tahsildar (LA Revenue Divn.),

Visakhapatnam

.....Respondent

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WRIT PTITION NO. 21649 OF 1995

ORDER:

The petitioner claims to be the owner of the land in S.No.19/3 and 19/2 of Maddilapalem Village, Visakhapatnam District and out of the same, an extent of Ac.0.02½ cents of land was acquired. His claim for compensation was rejected by the respondent through the impugned award. Hence, he filed the present writ petition to direct the respondent to release compensation in respect of the acquired land.

It is the case of the petitioner that pursuant to the direction issued by this Court in Writ Petition No.1698 of 1995 to dispose of his representation, he participated in the award enquiry and put up a claim and the same has not been considered by the Land Acquisition Officer while passing the award.

The respondent filed the counter stating that the land covered by S.Nos.19/3B, C and D measuring Ac.0.02½ cents has fallen in the alignment of NH road widening and accordingly, land acquisition proceedings were initiated. During the course of award enquiry, the petitioner put up a claim which was examined in detail and

compensation amount in respect of S.No.19/3B measuring Ac.0.01 cents was deposited in the civil Court under Sections 30 and 31 of the Land Acquisition Act, 1894 (for short 'the Act') as there is a dispute between Gnanananda Ashram Society and the petitioner. In respect of the land covered by S.No.19/3C and 3D the compensation amount at Rs.87,955/- was awarded to Sathivada Subbamma and at Rs.1,97,776/- Saragadam Ramarao under a detailed enquiry after considering the claims and rival claims and also the documents submitted by the petitioner.

None appears for the petitioner. Heard the learned Government Pleader for Land Acquisition.

If the petitioner is aggrieved by the award of compensation, the proper remedy for him is to seek a reference under Sections 30 as well as 18 of the Act even after passing of the award where the matter will be referred to the civil Court by depositing the compensation amount and it is for the civil Court to decide as to who are entitled to the compensation for the land so acquired on the evidence let in by the parties.

In view of the same, the present writ petition filed by the petitioner for release of compensation without impleading the awardees in whose favour award is passed cannot be entertained. It is accordingly dismissed. No order as to costs.

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A. **GOPAL REDDY, J**

18-03-2006

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